



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,788	07/09/2001	Edith H. Stern	I01.039	9347

28062 7590 05/06/2004

BUCKLEY, MASCHOFF, TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 05/06/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,788

Applicant(s)

STERN ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

2. Applicant's arguments with respect to claim 1-23 and 28, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16, 18-23 and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aburai (Aburai et al; US Publication No.: 2002/0,090,953 A1) in view of da Silva (da Silva, Ivan Pereira; US Patent No: 6,496,703 B1).

Regarding claims 1, 19, 20, 23 and 28, Aburai teaches of a method (column 2, lines 21-24, computer-implemented method (e.g., control program utilizing code; column 16, lines 1-24) and an apparatus, comprising: a processor (figure 2, items 202); a storage device (figures 2, items 203, 204, 205, 206, 207) in communication with the processor and storing instructions adapted to be executed by the processor and medium for storing instructions (e.g. "code" column 16, lines 1-24) adapted to be executed by a processor (i.e., "CPU"; figure 2, item 202) to perform a method of facilitating mobile user devices at a location (column 2, lines 21-24), the method comprising: determining a location policy associated with the location (e.g., "restricted areas"; column 6, lines 53-64); determining first user device information associated with a first mobile user device at the location (e.g., place names of limited usage areas; column 6, lines 53-64); and arranging for the mobile first user device to operate in accordance with the location policy and the user device information (e.g., alarm signal when entering a restricted area; column 2, lines 41-51) and;

Aburai does not teach of determining second user device information associated with a second mobile user device that is at the location while the first user device is at the location; arranging for a second mobile user device to operate mobile user device in accordance with the location policy and the second user device information, where it is arranged for the second mobile user device to operate differently than the first mobile user device.

In related art concerning a system for disabling wireless communication devices, da Silva teaches of determining second user device information associated with a

second mobile user device that is at the location while the first user device is at the location; arranging for a second mobile user device to operate mobile user device in accordance with the location policy and the second user device information, where it is arranged for the second mobile user device to operate differently than the first mobile user device (column 8, lines 33-42; where a first user, principal's cellular phone, responds to a first policy; e.g., ""allowed o ring during school hours" and a second user, "teaches' and janitors' phones" have a second corresponding policy; e.g., "not allowed to ring during school hours, but are permitted to making outgoing calls").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Aburai's method of facilitating operation of a first mobile user device policy with da Silva's second mobile user device location policy in order to accommodate the policies according to the needs or priorities of the users.

Regarding claim 2, Aburai and da Silva teach all the limitations as stated in claim 1. Aburai also teaches where determining the location policy comprises at least one of (i) retrieving a pre-stored location policy (column 7, lines 57-58), (ii) receiving an indication of the location policy from a location device (column 2, lines 41-45), (iii) evaluating a plurality of potential location policies (e.g. "power off" or "automatic answering mode"; column 8, lines 45-60), and (iv) receiving an indication of the location policy via a third-party service device (column 8, lines 5-9).

Regarding claim 3, Aburai and da Silva teach all the limitations as stated in claim 1. Moreover, Aburai teaches where the indication of the location policy comprises at least one of: (i) the location policy (e.g. usage limiting information; column 2, lines 20-

24), (ii) a location identifier (column 5, lines 45-50), (iii) a policy identifier, (iv) a pointer to a location policy, and (v) payment information.

Regarding claim 4, Aburai and da Silva teach all the limitations as stated in claim 1. Also, Aburai teaches where the first user device information comprises at least one of: (i) information associated with the first mobile user device (where the examiner has selected (i) and (V) from the choices provided; e.g. "ID numbers of the communication devices"; column 7, lines 9-10), (v) a user device identifier, (e.g. "numeral values" and "symbols"; column 7, lines 16-19).

Regarding claim 5, Aburai in view of da Silva teaches all the limitations as stated in claim 1. In addition, Aburai teaches where determining the first user device information comprises at least one of: (i) retrieving pre-stored first user device information (where the examiner has selected (i) and (ii) from the choices available; column 7, lines 47-50), (ii) receiving an indication of the user device information from the mobile user device (column 7, lines 50-53).

Regarding claim 6, Aburai in view of da Silva teaches all the limitations as stated in claim 1. In addition, Aburai teaches where arranging for the first mobile user device to operate further comprises: comparing the location policy with the first user device information (columns 5 and 6; lines 64-66 and 1-2, respectively).

Regarding claim 7, Aburai teaches all the limitations as stated in claim 1. Furthermore, Aburai in view of da Silva teaches where the arranging for the first mobile user device to operate further comprises: determining whether to apply the location policy based on the first user device information (column 6, lines 51-66).

Regarding claim 8, Aburai in view of da Silva teaches all the limitations as stated in claim 1. In addition, Aburai teaches where the arranging for the first mobile user device to operate further comprises: negotiating a policy to be applied by the first mobile user device (columns 9 and 10; lines 22-30 and 25-32, respectively).

Regarding claim 9, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Aburai also teaches verifying that the first mobile user device operates in accordance with the location policy and the first user device information (column 10, lines 25-40).

Regarding claim 10, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Also, Aburai further teaches of arranging for a first user to receive a notification associated with operation of the mobile user device in accordance with the location policy and the first user device information (columns 3 and 4; lines 62-66 and 1-7, respectively).

Regarding claim 11, Aburai in view of da Silva teaches all the limitations as stated in claim 1. In addition, Aburai teaches where the location is associated with at least one of: (i) proximity to a location device (column 4, line 1), (ii) a location boundary (column 4, lines 46-61), (iii) a mobile location, (iv) a plurality of locations (column 1, lines 13 and 14), (v) an event time, (vi) an event area (column 1, line 14), (vii) an education area, and (viii) a health care area (column 4, line 2).

Regarding claim 12, Aburai in view of da Silva teaches all the limitations as stated in claim 1. In addition, Aburai teaches where the first mobile user device comprises at least one of: (i) a mobile computing device, (ii) a personal digital assistant

(column 5, line 26), (iii) a communication device, (iv) a wireless telephone (column 5, line 25), (v) a pager, (vi) an information storage device, (vii) an audio recording device, and (viii) an image recording device.

Regarding claim 13, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Further, Aburai teaches where the operation of the first user device is associated with communication via at least one of: (i) a wireless network (i.e. "mobile communication system" column 1, lines 60-61), (ii) a wireless local area network, (iii) an infrared radiation network, (iv) a communication network, (v) a Bluetooth network, and (vi) an 802.11 network.

Regarding claim 14, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Furthermore, Aburai teaches where the arranging for the first mobile user device to operate is performed by a location device (i.e., "information control center"; column 3, lines 64-66).

Regarding claim 15, Aburai teaches all the limitations as stated in claim 1. In addition, Aburai teaches where the arranging for the first mobile user device to operate is performed by the first mobile user device (columns 3 and 4; lines 64-66 and 1-7, respectively).

Regarding claim 16, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Also, Aburai teaches where the arranging for the first mobile user device to operate is performed by a third-party service device (column 5, lines 9-23).

Regarding claim 18, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Aburai further teaches where the operation of the first mobile user

device is associated with at least one of: (i) receiving information (column 15, lines 4-5), (ii) storing information (column 15, line 38), (iii) transmitting information (column 15, lines 6 and 7), and (iv) providing information to a user.

Regarding claim 21, Aburai in view of da Silva teaches all the limitations as stated in claim 20. In addition, Aburai teaches where the storage device further stores at least one of: (i) a user device policy database (figure 2, item 206), (ii) a user device operation status database, (iii) a location policy database (figure 2, item 205), and (iv) a location operation status database (figure 2, item 207).

Regarding claim 22, Aburai in view of da Silva teaches all the limitations as stated in claim 1. Aburai further teaches of the apparatus further comprising: a communication device (figure 2, item 201) coupled to said processor (figure 2, item 202) and adapted to communicate with at least one of: (i) a user device (column 5, lines 39-41), (ii) a location device (figure 2, items 201 and 204), (iii) a third-party service device, and (iv) a payment device.

1. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aburai in view of da Silva as applied to claim 1 above, and further in view of Linkola (Linkola, Janne; Patent No. US 6,516,190 B1).

Regarding claim 17, Aburai teaches all the limitations as stated in claims 1.

Aburai does not teach of arranging for a third-party service to exchange payment associated with at least one of: (i) a user and (ii) a location.

In related art regarding mobile communication systems, Linkola teaches of arranging for a third-party service to exchange payment associated with at least one of

Art Unit: 2684

(column 6, lines 4-20): (i) a user (e.g., "current location of the mobile station"; column 6, lines 12-15) and (ii) a location (column 6, lines 16-20).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Aburai's and daS Silva's method of facilitating operation of a mobile user device at a location and Linkola's third-party service to exchange payment associated with at least one of: (i) a user and (i) a location in order to maintain records associated with the usage of the mobile apparatus according to the location of the user.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent No.: 6,018,666 A; refers to shared wireless tenant service.

Pub. No.: US 2001/0031631 A1, relates to limiting mobile communications within limited areas.


Patent No.: US 6,249,674 B1, deals with disabling termination restrictions of mobile subscriber units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached from 7:15 a.m. - 3:45 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached at 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number 703-306-

0377


Angelica Perez
(Examiner)
April 29, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Art Unit 2684